

**VI. Ground(s) of Rejection to be Reviewed on Appeal**

1. The rejection of claims 1, 3, 14, 16, 33, and 38-40 under 35 U.S.C. §102(b) as allegedly anticipated by Love, III, et al. U.S. Patent Application Publication No. 2004/0229538 ("Love").

2. The rejection of claims 36 and 37 under 35 U.S.C. §103(a) as allegedly unpatentable over Love.

3. The rejection of claims 1, 3, 14, 16, 33, and 36-40 under 35 U.S.C. §103(a) as allegedly unpatentable over Collier U.S. Patent No. 5,487,936 ("Collier") in view of Lovingood U.S. Patent Application Publication No. 2003/0190853 ("Lovingood").

4. The rejection of claims 1, 3, 14, 16, 33, and 36-40 under 35 U.S.C. §103(a) as allegedly unpatentable over Heiman U.S. Patent No. 5,495,874 ("Heiman") in view of Fairchild's Dictionary of Textiles (Tortora, Phyllis. 7<sup>th</sup> Edition. Fairchild Publications, New York. 2003. p.596)("the Fairchild dictionary").

5. The rejection of claims 1, 3, 14, 16, 33, and 36-37 on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1-21 of Heiman in view of the Fairchild dictionary.

## **Conclusion**

Appellants respectfully submit that the previously submitted Appeal Brief, with revised Paragraph VI above, is in full compliance with the provisions of 37 CFR §41.37. If this Response leaves any issues open, a call to undersigned counsel would be gratefully appreciated.

Respectfully submitted,  
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